

FOR CONSULTATIONS

IRAQ HUMANITARIAN COUNTRY TEAM

Internally Displaced Persons:

Operational guidance note on spontaneous returns

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Introduction

1. The present guidance note has been developed by UNHCR pursuant to the request of the Humanitarian Coordinator at the Humanitarian Country Team (HCT) meeting of 18 December 2014. The note is informed by relevant policies, including *title 10 on 'Accountability of sector/cluster leads to the Humanitarian Coordinator'* enshrined in the *2006 IASC Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Approach*, and the *Preliminary Framework for supporting a more coherent, predictable and effective response to durable solutions needs of refugee returnees and internally displaced persons*.

Purpose and scope

2. While the present conditions in Iraq are not conducive to large-scale implementation of durable solutions, there are indications that some IDPs have already returned by their own means without any assistance (spontaneously) due to the authorities regaining control in areas of origin, or due to poor conditions and restrictions in areas of displacement. However, more information is required as to the profile of these movements, including whether these are 'go and see' returns of individual family members or actual spontaneous returns of entire households.

3. Organized voluntary return programmes will need to be planned for, but the provision of coordinated protection and assistance to spontaneous returnees needs urgent attention. The way in which IDPs return spontaneously, especially those with specific needs, can create risks that may be life-threatening. At the same time, spontaneous and temporary returns without the prospect of a durable solution could also be a protection strategy where sufficient support is not available in displacement. The latter should be considered exceptional, and only where return would pose a lesser risk than continued presence in the place of displacement.

4. The primary responsibility to provide durable solutions for IDPs and ensure their protection and assistance lies with the national authorities. This note is therefore intended to provide operational guidance to HCT members and other relevant actors in order to ensure that

humanitarian actors can provide the necessary support to the Iraqi authorities so that any gaps in the response are addressed.

HCT's Position on Facilitation or Promotion of IDP returns

5. The right to return to one's place of origin is well established in international human rights and humanitarian law. The HCT recognizes that IDP returns to places of origin should be informed and voluntary, in safety and with dignity. At present, the HCT does not endorse, facilitate or promote the return of IDPs to areas where their life, safety, liberty or health could be in danger. The provision of protection or assistance to spontaneous returnees should therefore be handled carefully in order to avoid such support being misinterpreted as promotion or facilitation of IDP returns.

6. Support activities to spontaneous returns may include protection services such as information on access to and replacement of personal and other documentation, effective remedies for displacement-related violations, including access to effective mechanisms for housing, land and property restitution as well as mine-risk education. Depending on the circumstances, support may also include the provision of emergency relief items, limited transport assistance, counselling, and/or other types of assistance as appropriate. Assistance may be provided prior to such returns and, access permitting, *en route* or in areas of return.

7. To support the national authorities, through a community and area-based approach, the Protection Cluster will as soon as practicable:

- a) track, monitor, map and start reporting to the HCT on a bi-weekly basis about the profiles of spontaneous returns, including motives behind such a choice, protection and assistance needs, potential risks and mitigation measures;
- b) establish mechanisms for the assessment and dissemination of accurate and objective information to IDPs on, inter alia, conditions in areas of return, available support and its limits;
- c) ensure that specific attention is paid to protection and assistance needs of vulnerable groups, including but not limited to female-headed households, unaccompanied and separated children, older persons and the disabled;
- d) advise the HCT on optimal mechanisms to coordinate assistance to spontaneous returnees, for instance, through a small sub-working group within the Protection Cluster.

8. Under no circumstances will IDPs be encouraged or compelled to return or relocate to areas where their life, safety, liberty or health would be at risk. In the same vein, spontaneous returns

or the provision of support to spontaneous returnees should not be invoked as a ground for denying continued access to safe areas of displacement.

9. National, regional and local authorities should also be encouraged by HCT members to present IDPs with safe and voluntary alternatives to return, such as integration in the place of displacement or in another part of the country, in order to reduce any coercive factors in areas of displacement.